



UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 16 2004

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
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MAR 16 2004

OFFICE OF THE DIRECTOR  
TC 3800

John H. Dodds  
1707 N St., N.W.  
Washington DC 20036

In re Application of  
Marvin Byrd  
Application No. 10/050,393  
Filed: January 16, 2002  
For: COMPANION RIDER WHEEL CHAIR

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**DECISION ON PETITION  
TO WITHDRAW THE  
HOLDING OF ABANDONMENT**

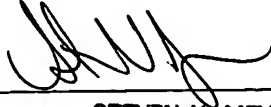
This is a decision on applicant's petition to withdraw the holding of abandonment filed on January 23, 2004.

The petition is **GRANTED** in view of the following evidence of timely filing :

- ☒ Postcard receipt being dated April 9, 2003.
- ☐ USPTO return facsimile receipt dated \_\_\_\_\_, which references the application by serial number and the amendment that was filed on that date.
- ☐ Certificate of Mailing/Transmission signed on \_\_\_\_\_ and supported by a statement under 37 C.F.R. 1.8(b)(3).
- ☐ Hand Delivery Receipt of the specific documents submitted dated \_\_\_\_\_.
- ☐ Certificate of Transmission of CPA under 37 C.F.R. 1.6 filed on \_\_\_\_\_.
- ☐ Express Mail Receipt under 37 C.F.R. 1.10 dated \_\_\_\_\_.

This application is being forwarded to the Supervisory Legal Instruments Examiner for entry of the response filed with the petition, then to the examiner for prompt action on the response.

/mjz: 3/5/04

  
STEVEN N. MEYERS  
SPECIAL PROGRAM EXAMINER  
TECHNOLOGY CENTER 3800



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In re Application of:  
Marvin Byrd  
Serial No. 10/050,393  
Filed: January 16, 2002  
For: COMPANION RIDER WHEEL CHAIR

DECISION ON PETITION  
TO MAKE SPECIAL  
(APPLICANT'S HEALTH)

This is a decision on the petition filed January 23, 2004 under 37 CFR 1.102 (c) to make the above-identified application special under the procedure set forth in MPEP 708.02, Section III: Applicant's Health. There is no fee for this petition.

A grantable petition to make an application special under 37 C.F.R. 1.102(c), MPEP 708.02, Section III requires evidence that the state of health of the applicant is such that he might not be able to assist in the prosecution of the application if it were to run its normal course.

The petition includes a medical certificate from George Washington University Hospital attesting to the fact that Marvin Byrd was hospitalized for treatment of a serious medical condition between March 19, 2003 and April 3, 2003. The medical certificate further states that Mr. Byrd would require at least six more weeks of treatment at a skilled nursing facility. However, the certificate merely documents a past medical condition. The petitioner has not provided evidence establishing that applicant's current medical condition would result in the inability of the applicant to assist in prosecution of the application if it were to run its normal course.

For the above stated reasons, the petition is **DISMISSED**.

Steven N. Meyers  
Special Programs Examiner  
Technology Center 3600  
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SNM/mjz: 3/15/04